

REMARKS

The present amendment incorporates the priority claim to U.S. Provisional Patent Application Serial No. 60/263,244 in the specification in accordance with 37 C.F.R. §1.78. Priority was claimed in the application transmittal letter and Declaration when the application was filed. The claim to priority was recognized by the Office as shown by its inclusion on the Filing Receipt and in the patent application publication. Accordingly, the Office will not require a petition under 37 C.F.R. §1.78(a) and the surcharge under 37 C.F.R. §1.17(t) to correct the claim of priority. *See* MPEP 201.11 (D). A copy of the application transmittal letter, Declaration, date stamped postcard, Filing Receipt and cover sheet of the Patent Application Publication are attached. Please note that the copy of the Declaration submitted herewith had a typographical error in the priority document serial number. However, this was subsequently corrected in the Filing Receipt and the Patent Application Publication is reflective of the correct priority document serial number. In addition, the Examiner noted the correct priority document serial number in the Examiner's amendment. Applicant is submitting herewith an Application Data Sheet in accordance with 37 C.F.R. §§1.67 and 1.76. The present amendment does not add any new matter, nor does it necessitate further examination of the application.

Accordingly, entry of the present amendment is respectfully requested. If any fees are required in connection with this matter, the Commissioner is authorized to charge or credit Deposit Account No. 11-0600 for such fees.

Respectfully submitted,

Dated: 2/17/06

By:

Teresa A. Lavenue
Teresa A. Lavenue, Reg. No. 47,737

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
(202) 220-4200 (Telephone)
Customer No. 23838
DC01 599606 v1



Express Mail No. EL 477 034 015 US

First Class Mail ()

Date Mailed January 22, 2002

Serial No.: To Be Assigned

Filed: Concurrently Herewith

Applicant: Robert E. KLEM

FOR: METHODS AND COMPOSITIONS FOR TREATING A CELL-PROLIFERATIVE
DISORDER USING CRE DECOY OLIGOMERS, BCL-2 ANTISENSE OLIGOMERS, AND
HYBRID OLIGOMERS THEREOF

The stamp of the Patent Office hereon shall be taken as an acknowledgment on the date stamped receipt of the following:

- (X) Utility Patent Application Transmittal
- (X) Patent Application Fee Value (in duplicate)
- (X) 68 pages of specification, claims & abstract
- (X) Unexecuted Declaration
- (X) Transmittal of Sequence Listing
- (X) Sequence listing in paper and computer readable forms

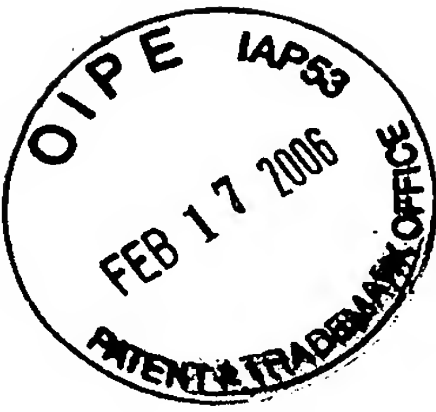


OTHER: _____

File No. 10412-022-999

SENDER: LAC/JZB/PYS

BEST AVAILABLE COPY



Express Mail No.: EL 477 034 015 US

PENNIE & EDMONDS LLP
COUNSELLORS AT LAW
1155 Avenue of Americas
New York, N.Y. 10036-2711

ATTORNEY DOCKET NO. 10412-022

Date: January 22, 2002

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Robert E. KLEM

Executed on: Unexecuted

Title of Invention: METHODS AND COMPOSITIONS FOR TREATING A CELL-PROLIFERATIVE DISORDER
USING CRE DECOY OLIGOMERS, BCL-2 ANTISENSE OLIGOMERS, AND HYBRID
OLIGOMERS THEREOF

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	71	-20	51	\$18.00 each	\$ 918.00
Independent	6	-3	3	\$84.00 each	\$ 252.00
Minimum Fee					\$ 740.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
Total					\$ 1,910.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 955.00
Total Filing Fee					\$ 955.00

- ☐ **DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- ☒ Priority of application no. 60/283,244 filed on January 22, 2001 in U.S. is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application has been filed in application no. filed
- ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation-in-part of application no. filed.

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted, *by Jacqueline Benn*

Laura A. Coruzzi

Laura A. Coruzzi
PENNIE & EDMONDS LLP

Reg No 43,492
30,742

(Reg. No.)

Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHODS AND COMPOSITIONS FOR TREATING A CELL-PROLIFERATIVE DISORDER USING CRE DECOY OLIGOMERS, BCL-2 ANTISENSE OLIGOMERS, AND HYBRID OLIGOMERS THEREOF

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on *(if applicable)*

☐ was filed in the United States on as Application No. *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

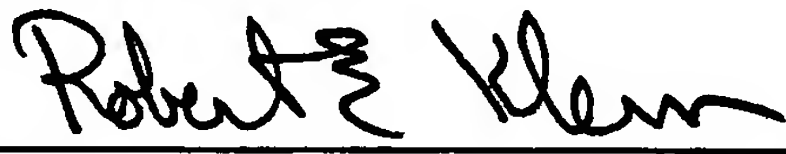
PROVISIONAL APPLICATION NUMBER	FILING DATE
60/283,244	January 22, 2001

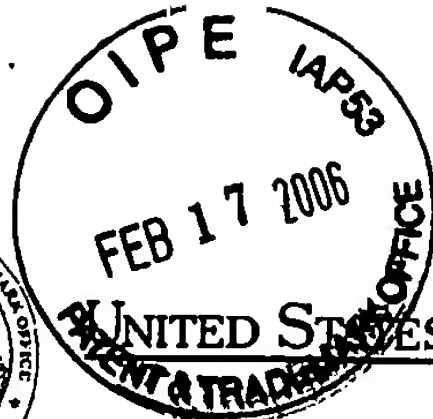
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME Klem	FIRST NAME Robert	MIDDLE NAME E.	
	RESIDENCE & CITIZENSHIP	CITY Florham Park	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 39 Florence Drive	CITY Florham Park,	STATE OR COUNTRY NJ	ZIP CODE 07932
	SIGNATURE OF INVENTOR 201 			DATE May 13, 2002	
202	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 202			DATE	
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 203			DATE	
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 204			DATE	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE	

H RAHMAN
2224
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/053,645 /	01/22/2002 /	1642 /	1062	10412-022		71	7

 20583
 PENNIE AND EDMONDS
 1155 AVENUE OF THE AMERICAS
 NEW YORK, NY 100362711

CONFIRMATION NO. 3607 /

UPDATED FILING RECEIPT



OC000000008340659

Date Mailed: 06/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Robert E. Klem, Florham Park, NJ;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/263,244 01/22/2001 /

Foreign Applications

If Required, Foreign Filing License Granted 03/22/2002

Projected Publication Date: 10/03/2002

Non-Publication Request: No

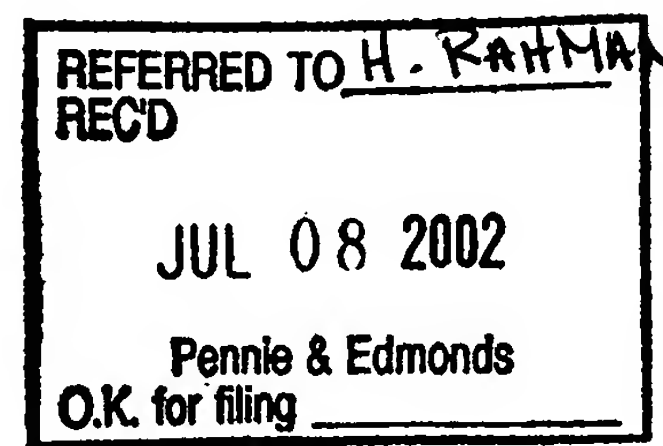
Early Publication Request: No

** SMALL ENTITY ** /

Title

 Methods and compositions for treating a cell-proliferative disorder using CRE decoy oligomers,
 BCL-2 antisense oligomers, and hybrid oligomers thereof /

Preliminary Class



CYX Final Date 11/22/03

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).